



THOMAS L. WELCH  
CHAIRMAN

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION  
242 STATE STREET  
18 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0018

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FCC MAIL ROOM

September 27, 2000

RE: CC Docket No. 94-129

Magalie Roman Salas  
FCC Secretary  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., TW-A325  
Washington, D.C. 20554

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's *First Order On Reconsideration* in CC Docket No. 94-129 released May 3, 2000, the Maine Public Utilities Commission (Commission) is electing to take primary responsibility for resolving Maine's consumers' slamming complaints as of the effective date of the FCC's modified unauthorized carrier change rules. The information required to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 of the May Order is provided below:

### Complaint Process

*Method of Filing:* Consumers may contact the Commission regarding their slamming complaints by letter, fax, online electronic complaint form, telephone call to the Commission, or by appearing in person at the Commission's office in Augusta, Maine.

### *Location of Filing:*

Mailing address:

Maine Public Utilities Commission  
242 State Street, SHS #18  
Augusta, Maine 04333-0018

Toll-free consumer complaints phone number:

1-800-452-4699

Fax phone number:

1-207-287-1039

Internet Online complaint form:

<http://janus.state.me.us/MPUC/CAD/cad.htm>

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*Filing Fees:* None.

*Documentation Consumer Must Provide:* A Consumer Assistance Specialist (specialist) will request a copy of the page of the consumer's telephone bill that contains the alleged unauthorized carrier's charges. The specialist will contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer.

*Procedure (Safeguards, Deadlines, Appeal Rights):*

Upon receipt of a slamming complaint, a specialist with the Commission's Consumer Assistance Division (CAD) will request from the alleged slamming carrier information needed to resolve the complaint, including, but not limited to, proof of customer authorization for the carrier change. That carrier is prohibited from attempting to collect any disputed charges, and from disconnecting or threatening disconnection of the complainant's service, pending the resolution of the complaint by the CAD. Upon receipt of the carrier's proof of authorization, typically either a tape-recorded independent third-party verification or a letter of authorization, the specialist listens to the tape or reads the LOA in order to determine if the verification complies with state law and Commission rule. Our verification requirements meet or exceed the requirements of the FCC's rules. Any evidence supplied by the consumer is also taken into account. If the CAD determines the carrier verification provided by the carrier complies with state law and Commission rule, the consumer is notified that the CAD found no slam occurred. If the CAD determines the verification was inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258 (b)<sup>1</sup>, both the federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the CAD determines a slam did occur and notifies the carrier and consumer of that finding. A carrier or consumer who is not satisfied with the resolution of a slamming complaint by the CAD may pursue the matter further by filing an appeal of the CAD's decision with the Commission.

*FCC-State Coordination:*

*Reporting:* The Commission's complaints staff enters each slamming complaint that is investigated into our complaints database. In accordance with ¶ 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.

*Coordination:* The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is Derek D. Davidson, Director, Consumer Assistance Division, Maine Public Utilities Commission, 242 State Street, SHS #18, Augusta, Maine 04333-0018, telephone (207) 287-1596, Fax (207) 287-1039, e-mail [derek.d.davidson@state.me.us](mailto:derek.d.davidson@state.me.us).

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<sup>1</sup> Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."

Ms. Magalie Roman Salas

September 25, 2000

Page 3

The Maine Public Utilities Commission looks forward to working with the FCC to eradicate slamming altogether.

Sincerely,

A handwritten signature in black ink, appearing to read "T. L. Welch". The signature is fluid and cursive, with the first name "T" being particularly large and stylized.

Thomas L. Welch, Chairman

cc: FCC Consumer Information Bureau Chief